UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	

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ROBERT W. GORDON, ESQ.,

Plaintiff,

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NOTICE OF MOTION TO DISMISS THE COMPLAINT

-against-

THE CITY OF NEW YORK, MARC ANDES, MARK PALOMINO, GAYLE SANDERS, FAY LEOUSSIS, MICHAEL A. CARDOZO, DAVID SANTORO, JOHN DOE(S) AND JANE DOE(S) (names currently unknown) each in his/her official and individual capacities,

No. 14 CV-6115 (JPO)(JCF)

Defendants.
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PLEASE TAKE NOTICE that upon the accompanying Notice To Pro Se Litigant Who Opposes A Rule 12 Motion Supported By Matters Outside The Pleadings, dated September 23, 2014, the Declaration of Assistant Corporation Counsel Bruce Rosenbaum, dated September 23, 2014, together with the exhibits annexed thereto and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated September 23, 2014, and upon all the papers and proceedings previously had herein, defendants The City of New York, Marc Andes, Mark Palomino, Gayle Sanders, Fay Leoussis, Michael A. Cardozo, and David Santoro (collectively "Defendants"), will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, 10007, before the Honorable J. Paul Oetken, United States District Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the Complaint against the Defendants on the ground that the complaint is time-barred in part, that plaintiff has failed to exhaust his administrative remedies in part and that the complaint fails to state a plausible claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that pursuant to paragraph 7 of the Court's Individual Practices In Civil Pro Se Cases, papers filed in opposition to this motion must be served and filed within four weeks of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of service of opposition papers.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request a stay of discovery during the pendency of this motion.

**PLEASE TAKE FURTHER NOTICE** that in the event of the denial of this motion to dismiss, in whole or in part, Defendants respectfully request twenty-one (21) days from the docketing of the order in which to answer the complaint.

Date: New York, New York September 23, 2014

## ZACHARY W. CARTER

Corporation Counsel of the City of New York Attorney for Defendants 100 Church Street, Rom 2-166 New York, New York 10007 (212) 356-2437 brosenba@law.nyc.gov

By: /s/
Bruce Rosenbaum
Assistant Corporation Counsel

TO: Robert W. Gordon (by ECF)
Plaintiff Pro Se
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No. 14 CV-6115 (JPO)(JCF) UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ROBERT W. GORDON, ESQ., Plaintiff, -against-THE CITY OF NEW YORK, MARC ANDES, MARK PALOMINO, GAYLE SANDERS, FAY LEOUSSIS, MICHAEL A. CARDOZO, DAVID SANTORO, JOHN DOE(S) AND JANE DOE(S) (names currently unknown) each in his/her official and individual capacities, Defendants. NOTICE OF MOTION TO DISMISS THE **COMPLAINT, LOCAL RULE 12.1 NOTICE AND DECLARATION** ZACHARY W. CARTER Corporation Counsel of the City of New York Attorney for Defendants 100 Church Street, Room 2-166 New York, New York 10007 Of Counsel: Bruce Rosenbaum Telephone: (212) 356-2437 Matter No: 2014-029860 Due and timely service is hereby admitted. Signed: Attorney for.....